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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,517	08/19/2003	Nobuaki Honda	03490/LH	5967
1933	7590	12/19/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708				COOLEY, CHARLES E
ART UNIT		PAPER NUMBER		
				1723

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/644,517	HONDA ET AL.	
	Examiner	Art Unit	
	Charles E. Cooley	1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 October 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 1-3,6-9,11 and 12 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 4,10 and 13-15 is/are rejected.
- 7) Claim(s) 5 is/are objected to.
- 8) Claim(s) 1-15 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 August 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01202004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

NON-FINAL OFFICE ACTION

1. This application remains assigned to Technology Center 1700, Art Unit 1723 and the following will apply for this application:

Please direct all written correspondence with the correct application serial number for this application to Art Unit 1723.

Telephone inquiries regarding this application should be directed to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197 or to the Examiner at (571) 272-1139. All official facsimiles should be transmitted to the centralized fax receiving number 571-273-8300.

Election/Restriction Requirement

2. Applicant's election without traverse of Invention II and Species A in the reply filed on 25 OCT 2005 is acknowledged.
3. Claims 1-3, 6-9, and 11-12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 25 OCT 2005.

Priority

4. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119, which papers have been placed of record in the file.

Information Disclosure Statement

5. Note the attached PTO-1449 form submitted with the Information Disclosure Statement filed 20 JAN 2004.

Drawings

6. Applicant should verify that (1) all reference characters in the drawings are described in the detailed description portion of the specification and (2) all reference characters mentioned in the specification are included in the appropriate drawing Figure(s) as required by 37 CFR 1.84(p)(5).

INFORMATION ON HOW TO EFFECT DRAWING CHANGES (IF REQUIRED)

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement figures which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments, or remarks, section of the amendment. Any replacement drawing sheet must be identified in the top margin as "Replacement Sheet" (37 CFR 1.121(d)) and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheets must be clearly labeled as "Annotated Marked-up Drawings" and accompany the replacement sheets.

Art Unit: 1723

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Specification

7. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

8. The abstract is acceptable.

9. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed (MPEP 606.01).

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

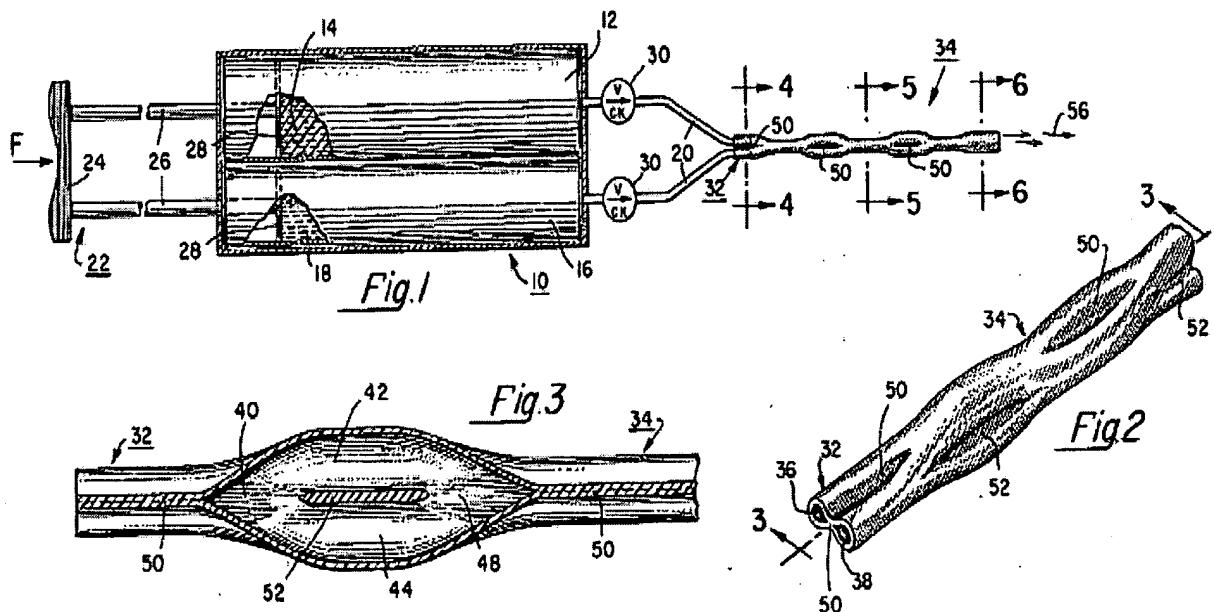
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

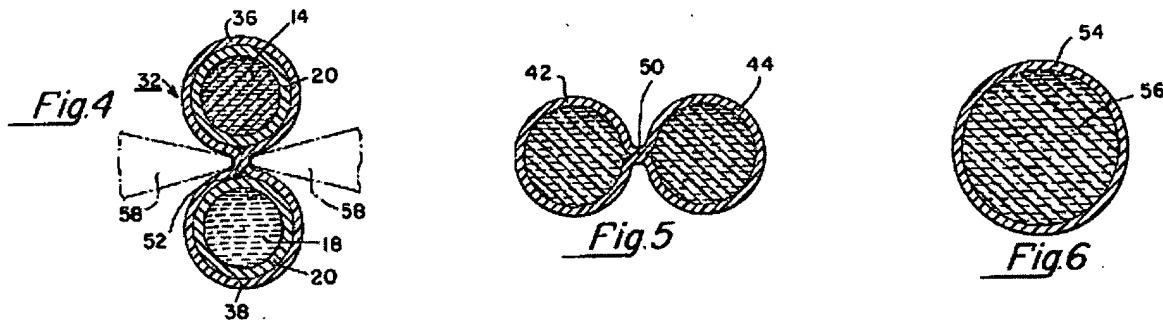
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 4 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Sciver II (US 3,159,312).

The patent to Van Sciver II discloses an apparatus as seen below comprising plural inlets 20; outlet 54 (Fig. 6); multistage channel 34 with channel stages including channels therein (Figs. 1-3); the multistage channel 34 having a decreasing passage sectional area (as at 48); a division section (the upstream portion of 52 - Fig. 3); a confluence section (the downstream portion of 52 - Fig. 3); and a diversion section 48.

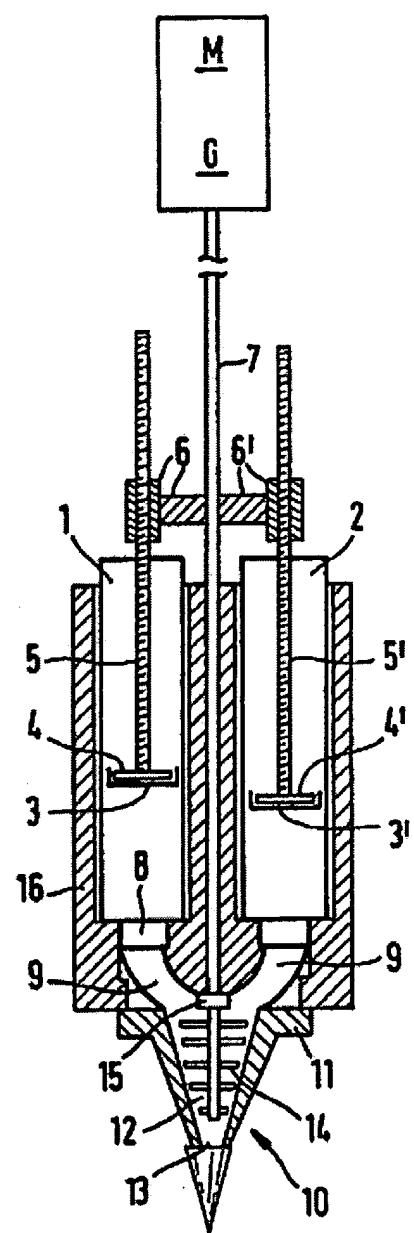




12. Claims 4 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 313519 A1.

EP 313519 A1 discloses an apparatus in Fig. 1 as seen below comprising plural inlets 9; outlet 13; multistage channel 11 with channel stages 14 including channels 12 therein; the multistage channel 11 having a decreasing passage sectional area toward the outlet 13 as seen in Fig. 1; a division section (the upstream portion of a member 14); a confluence section (the downstream portion of member 14); and a diversion section (the tapering inner wall of channel 11).

FIG.1



13. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Kearney (US 5,938,333).

The patent to Kearney '333 discloses an apparatus as seen below comprising plural inlets 26 (Fig. 3); outlet (one of elements 60 - see "O" in Fig. 3); a multistage channel (Fig. 3) with channel stages 54, 46 including channels therein; the multistage channel having a decreasing passage sectional area as the cross section of the channels decreases toward outlet 60 as seen in Fig. 3.

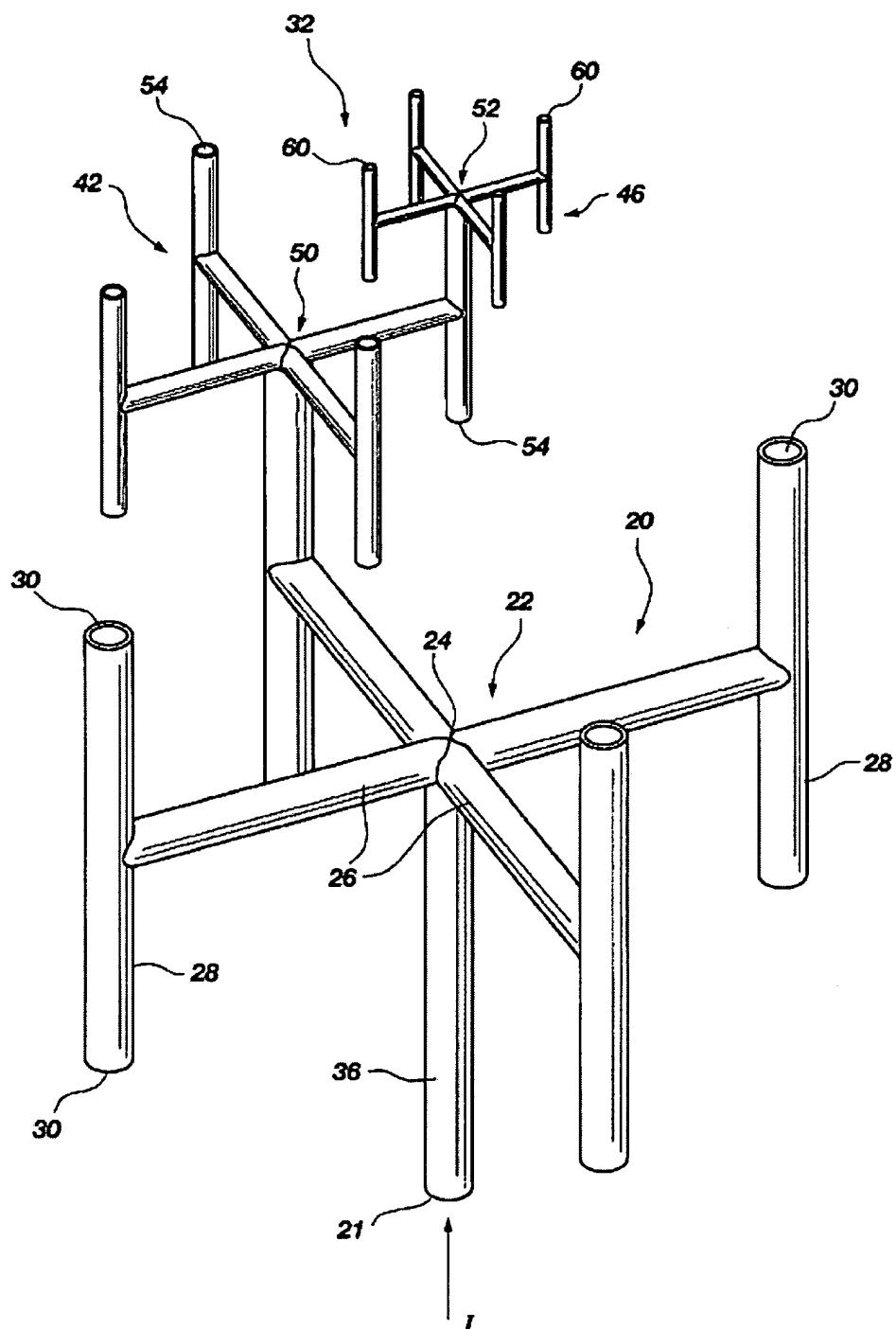


Fig. 2

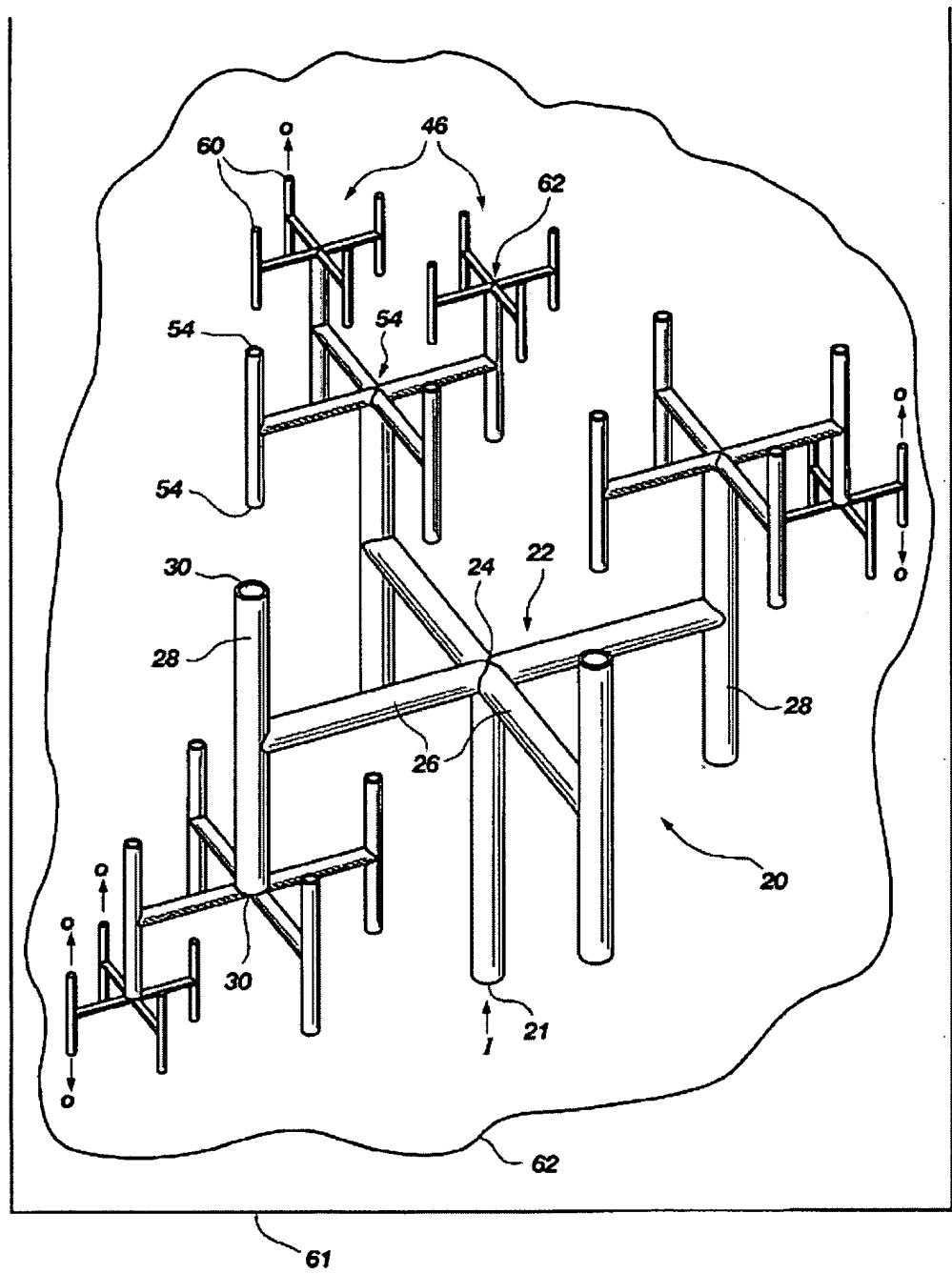
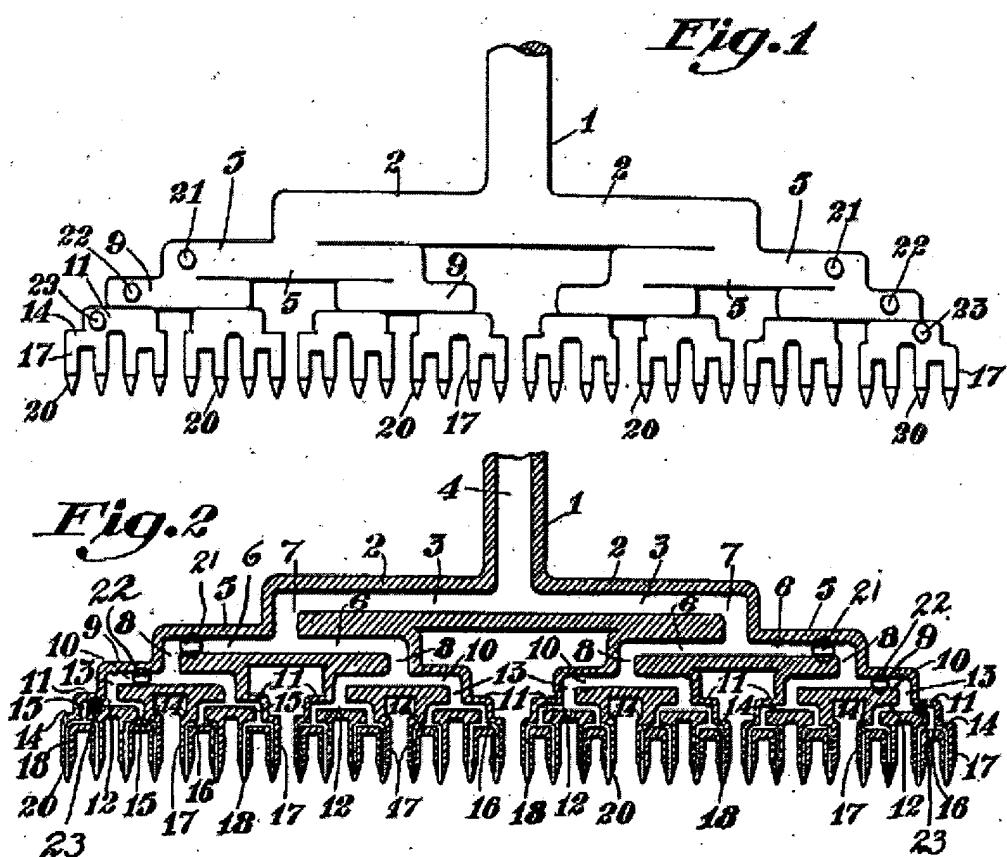


Fig. 3

14. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Sykora (US 1,409,259).

The patent to Sykora discloses an apparatus as seen below comprising plural inlets 6; outlet (one of elements 18); a multistage channel (Fig. 2) with channel stages 8, 10, 12, 13, 14 including channels therein; the multistage channel having a decreasing passage sectional area as the cross section of the channels decreases toward outlet 18 as seen in Fig. 2.



15. Claim 4 and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Kearney et al. (US 6,616,327).

The patent to Kearney et al. '327 discloses an apparatus as seen below comprising plural inlets as denoted below; an outlet as denoted below; a multistage channel (Fig. 6) with channel stages including channels therein; the multistage channel having a decreasing passage sectional area as the cross section of the channels decreases toward the outlet as seen in Fig. 6; and the recited plates 1-8 with mixing units as seen in Figs. 1-6.

Plate #	
1	
2	
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Fig. 1

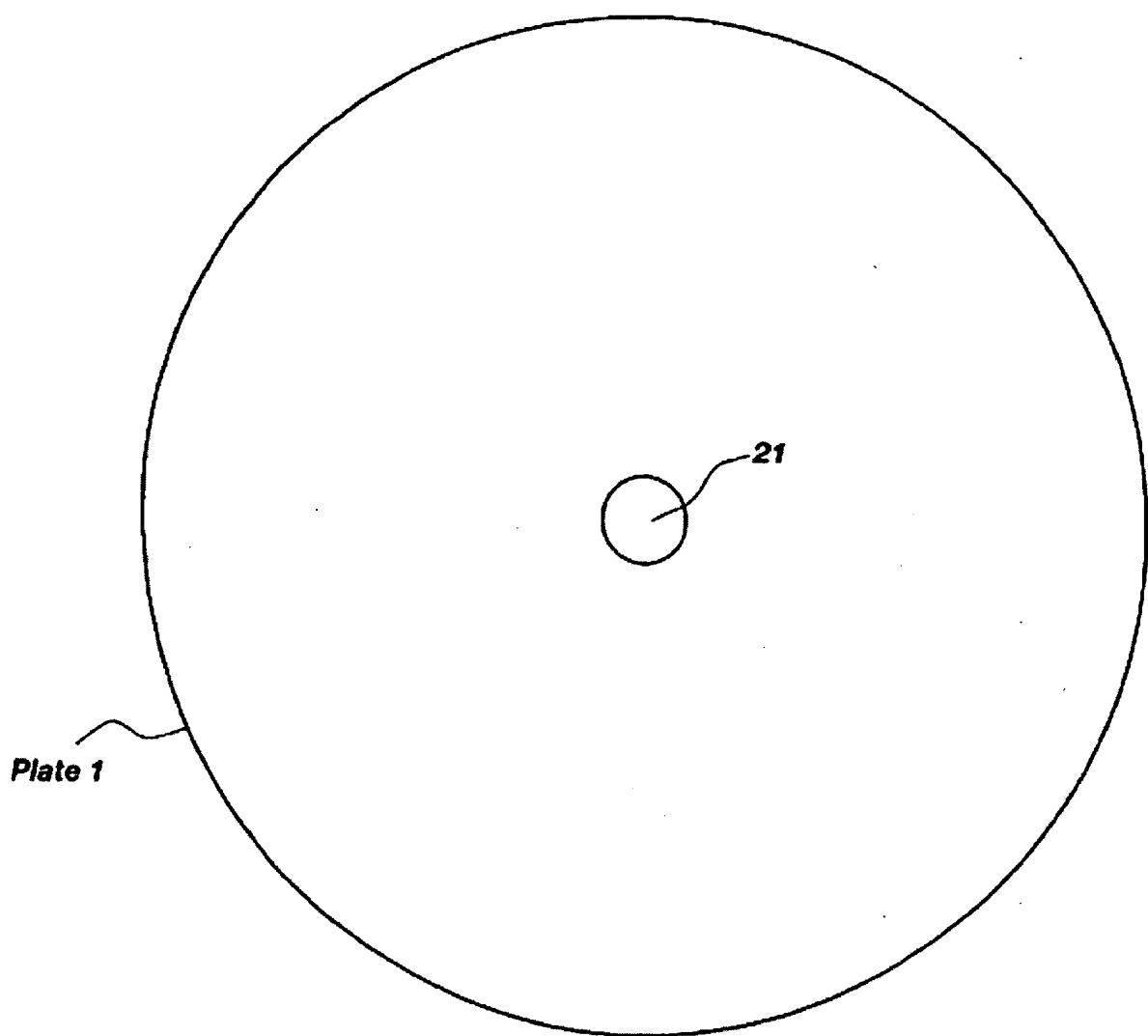


Fig. 2

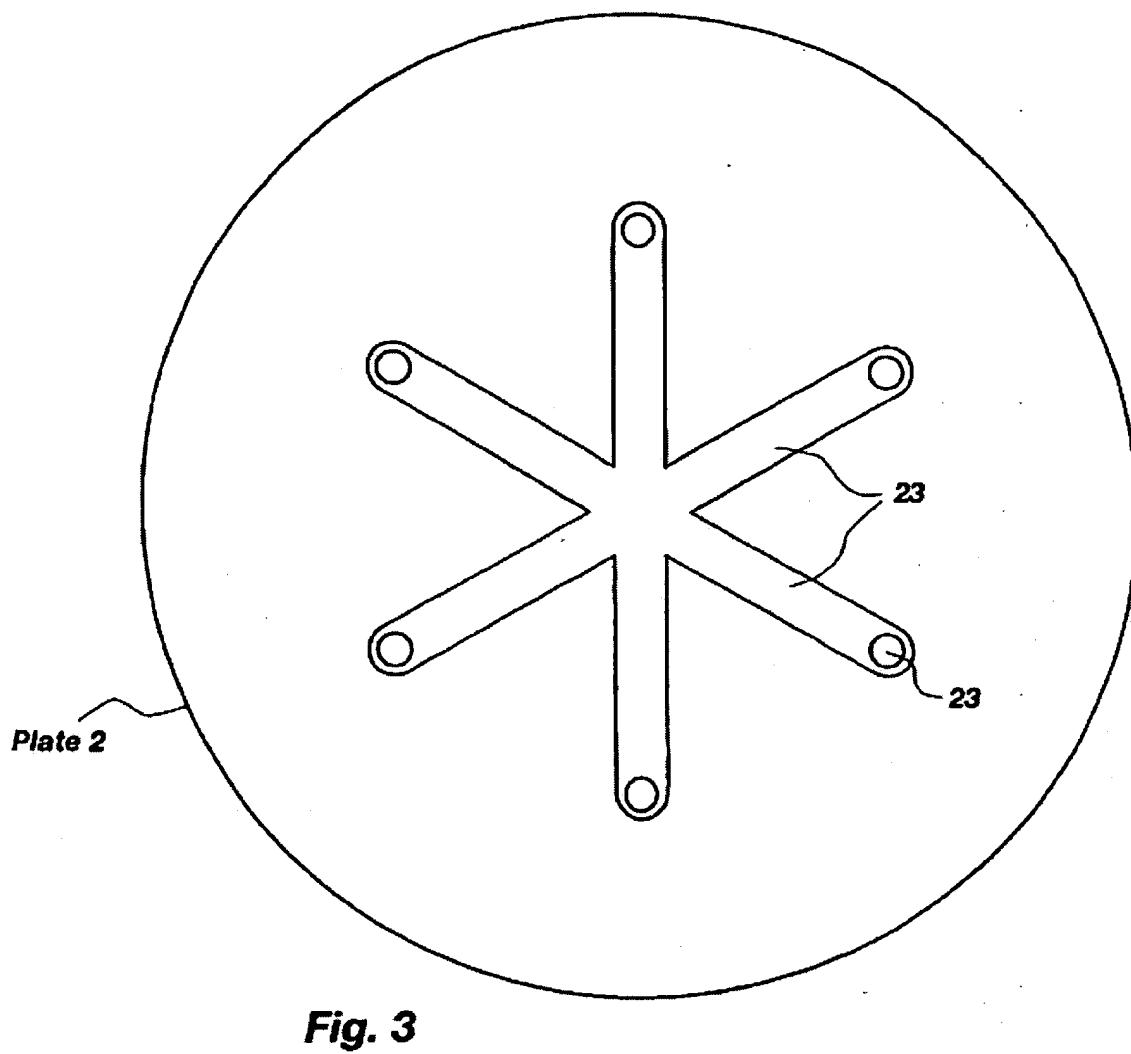


Fig. 3

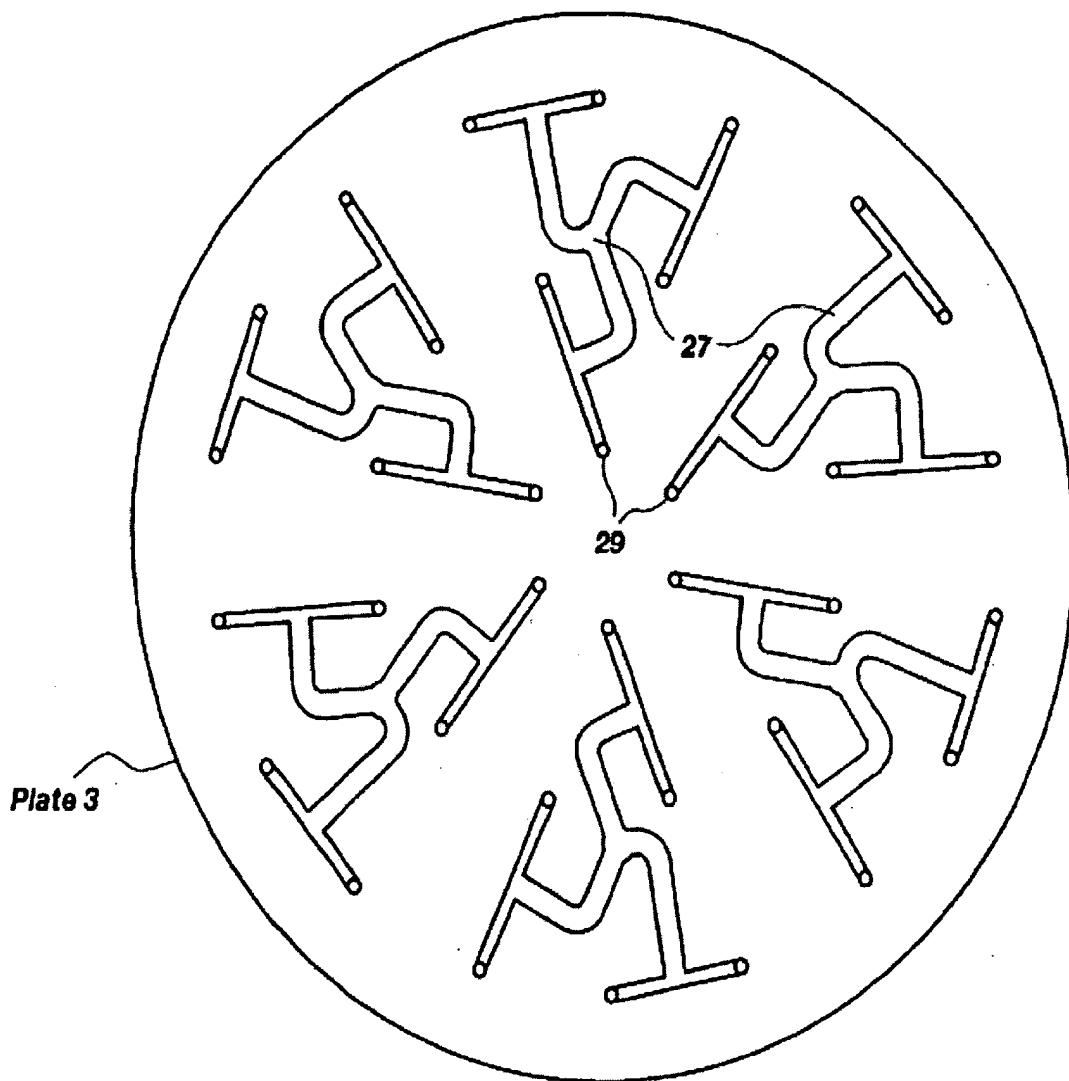


Fig. 4

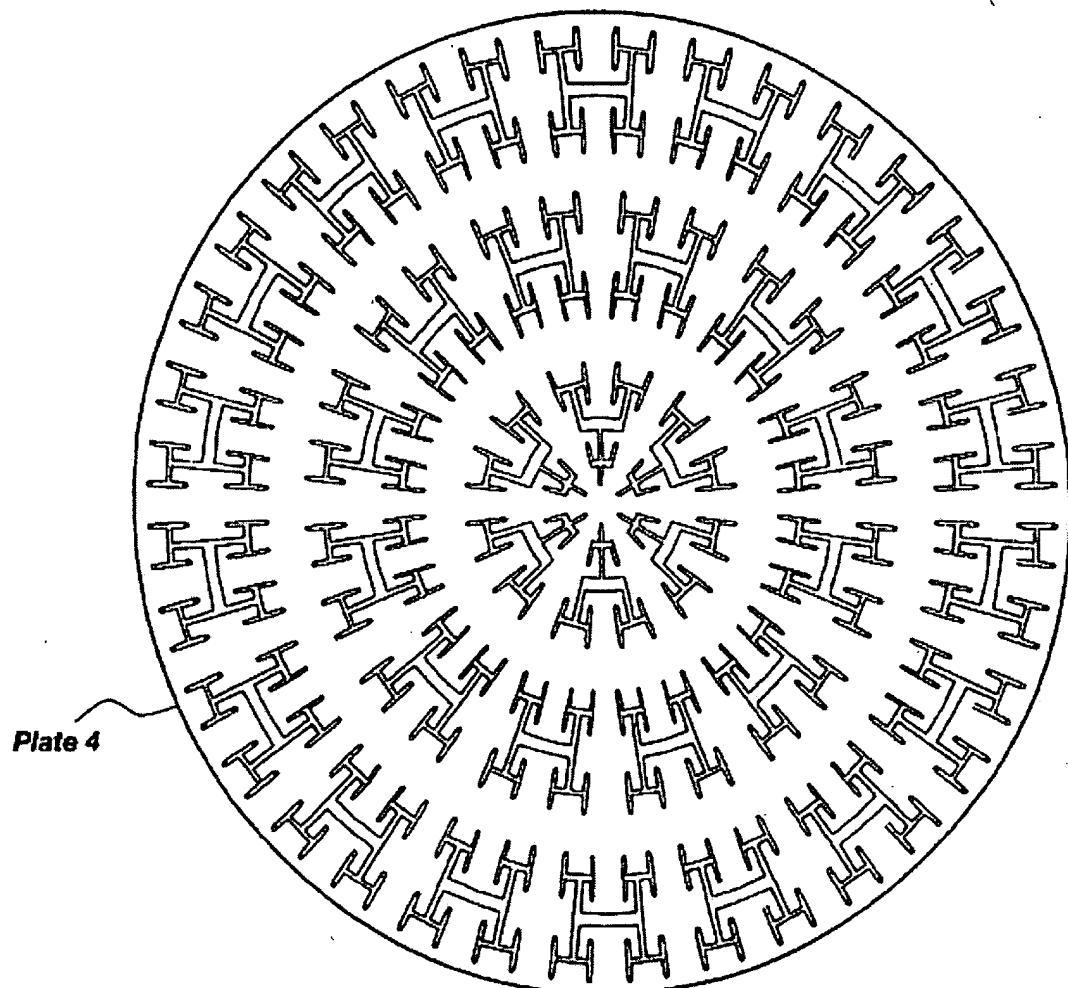
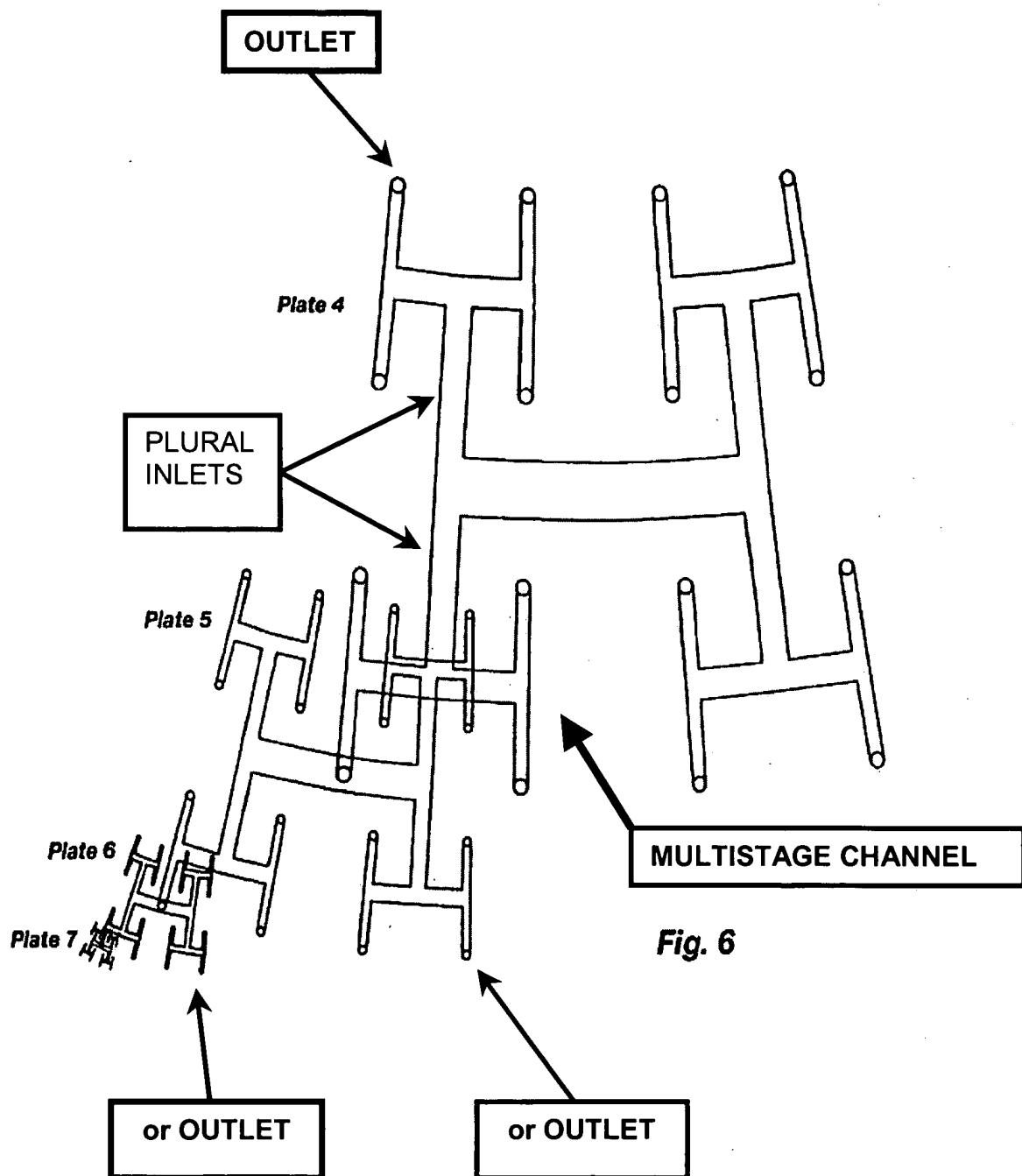


Plate 4

Fig. 5



Allowable Subject Matter

16. Claims 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
17. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

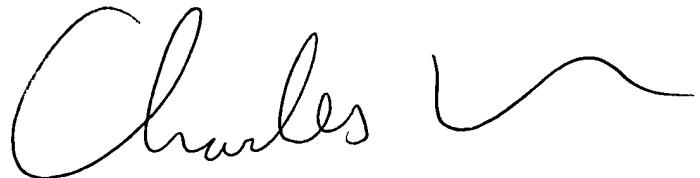
The prior art of record does not teach or fairly suggest the recited configuration of the multistage channel set forth in claim 5.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Cooley whose telephone number is (571) 272-1139. The examiner can normally be reached on Mon-Fri. All official facsimiles should be transmitted to the centralized fax receiving number 571-273-8300.

Art Unit: 1723

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Charles" followed by a stylized surname.

Charles E. Cooley
Primary Examiner
Art Unit 1723

9 December 2005